

Attorney Docket No.: **BOE0005US.NP**
Inventors: **Thomas Rillmann**
Serial No.: **10/589,292**
Filing Date: **May 3, 2007**
Page 6

REMARKS

Claims 1-3 and 5-13 are pending in this application. Claims 1-3 and 5-10 have been rejected. Claims 11-13 have been objected to. Claims 11-13 have been amended. Claims 1-3 and 5-10 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Rejections Under 35 U.S.C. §103

Claims 1-3, 5, 9 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Stanelle et al. (US 5,190,132). It is suggested that Stanelle et al. teaches the claimed invention, except for the operation of the flap. However, it is suggested that it would have been an obvious matter of design choice as to how one attaches a closable flap to open/close a tube, wherein there are many known options as to how a tube may regulate flow and the mere selection of one of these options does not provide a patentable departure over the device of Stanelle et al.

Claims 6-8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Stanelle et al. (US 5,190,132). It is suggested that Stanelle et al. teach the claimed invention, with the exception of the sealing ring. However, it is suggested that Stanelle et al. teach a sealing tube **22**, which stretches from top to bottom on the exterior of the device, such that it would have been obvious to modify the device of Stanelle et al. to include a sealing rings at individual sections as a design alternative.

Applicant respectfully disagrees with these rejections. However, in an earnest effort to facilitate the allowance of

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Page 7

claims 11-13, Applicant has canceled claims 1-3 and 5-10 without prejudice, reserving the right to file continuing applications for the canceled subject matter. In light of the cancellation of these claims, it is respectfully requested that these rejections under 35 U.S.C. 103(a) be reconsidered and withdrawn.

II. Allowable Subject Matter

Claims 11-13 are objected to as being dependent upon a rejected claim base, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. To facilitate the allowance of claims 11-13, Applicant has amended claims 11-13 as the Examiner suggests. It is therefore respectfully requested that this objection be withdrawn and claims 11-13 be allowed.

III. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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